THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21653 of 2005

Date:05.10.2005

Palatheerthapu Sambamurthy.

--------PETITIONER

The Additional Agent to Government and others.

---------RESPONDENTS

ORDER:

The Special Deputy Collector, Rampachodavaram, East Godavari District, 2nd respondent herein, initiated proceedings against the petitioner under the provisions of the A.P.Scheduled Areas Land Transfer Regulation 1 of 1959 as amended by Regulation 1 of 1970 (for short 'the Regulation'). In L.T.R.P.No.485 of 2004, through his order, dated 02.08.2005, the 2nd respondent directed resumption of the land to the Government from the petitioner. The petitioner claims to have preferred an appeal before the 1st respondent against the order passed in L.T.R.P.No.485 of 2004, together with an application for stay. His grievance is that the 1st respondent has not passed any orders in the stay application, much less has registered the C.M.A., and that in the meanwhile, respondents 3 and 4 are taking steps to implement the order passed in the L.T.R.P.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Regulation provides for an appeal against the order passed by the Special Deputy Collector. The appellate authority is conferred with the power to grant interim orders. The petitioner claims to have availed such a remedy and complains that no orders have been passed by the 1st respondent on the

application for stay. The petitioner has stated in his affidavit that in the Office of the 1st respondent, no regular procedure is being followed, either in the matter of numbering C.M.As or granting orders of stay. The learned counsel for the petitioner submitted that even the treatment accorded to the Advocates engaged in the matter is far from satisfactory. If there is any truth in the allegations, it would have a sad reflection on the very functioning of the Office of the 1st respondent. At this stage, this Court is not able to record any finding or express any opinion, on the aspects referred to above. Be that as it may, the statutory rights of affected parties cannot be defeated, on account of improper functioning of the Offices of the appellate authorities. If there is any deficiency in this regard, the same needs to be attended to, without any further delay.

The petitioner asserts that the C.M.A. has been presented on 12.09.2005. If that be so, the order passed by the 2nd respondent in L.T.R.P.No.485 of 2004 shall remain suspended, till the disposal of the appeal by the 1st respondent.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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05.10.2005

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